

Attorney or Party Name, Address, Telephone and FAX Numbers, and California State Bar Number  <b>Shannon A. Doyle</b> <b>100 N. Barranca Avenue, Suite 250</b> <b>West Covina, CA 91791-1600</b> <b>(626) 332-8600 Fax: (626) 332-8644</b> <b>California State Bar Number: 207291</b>  Attorney for		FOR COURT USE ONLY
<b>UNITED STATES BANKRUPTCY COURT</b> <b>CENTRAL DISTRICT OF CALIFORNIA</b>		
In re:  <b>Francisco Reynoso Garcia</b>  Debtor(s).		
<b>Francisco Reynoso Garcia,</b>  vs.  <b>UBS Stab Fund/Bank of New York Mellon Trust Company</b>  Plaintiff(s).		Defendant(s).
		CHAPTER: 7 CASE NO.: 2:12-bk-24088 ADVERSARY NO.: 12-01924 RN DATE: November 8, 2012 TIME: 9:00 a.m. PLACE: Courtroom 1645, 16th Floor

**JOINT STATUS REPORT**  
**LOCAL BANKRUPTCY RULE 7016-1(a)(2)**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

The parties submit the following JOINT STATUS REPORT in accordance with Local Bankruptcy Rule 7016-1(a)(2):

**A. PLEADINGS/SERVICE:**

- |    |   |                                     |     |                                     |    |
|----|---|-------------------------------------|-----|-------------------------------------|----|
| 1. | Have all parties been served?   | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/>            | No |
| 2. | Have all parties filed and served answers to the complaint/counter-complaints/etc.? | <input type="checkbox"/>            | Yes | <input checked="" type="checkbox"/> | No |
| 3. | Have all motions addressed to the pleadings been resolved?                          | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/>            | No |
| 4. | Have counsel met and conferred in compliance with Local Bankruptcy Rule 7026-1?     | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/>            | No |

5. If your answer to any of the four preceding questions is anything other than an unqualified "YES," then please explain below (or on an attached page):  
 Subject to appropriate documentation, the Debtor and UBS have reached an agreement in principle that fully resolves this adversary proceeding. The parties hope to present a stipulation to the Court in advance.

(Continued on next page)

Joint Status Report - Page 2

**F 7016-1.1**

In re <b>Francisco Reynoso Garcia</b>	CHAPTER: 7 CASE NO.: 2:12-bk-24088 Debtor(s). ADVERSARY NO.:
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**B. READINESS FOR TRIAL:**

1. When will you be ready for trial in this case?  

Plaintiff  
N/A

Defendant
2. If your answer to the above is more than four (4) months after the summons issued in this case, give reasons for further delay:  

Plaintiff  
N/A

Defendant
3. When do you expect to complete your discovery efforts?  

Plaintiff  
N/A

Defendant
4. What additional discovery do you require to prepare for trial?  

Plaintiff  
N/A

Defendant

**C. TRIAL TIME:**

1. What is your estimate of the time required to present your side of the case at trial (including rebuttal stage if applicable)?  

Plaintiff  
N/A

Defendant
2. How many witnesses do you intend to call at trial (including opposing parties)?  

Plaintiff  
N/A

Defendant
3. How many exhibits do you anticipate using at trial?  

Plaintiff  
N/A

Defendant

(Continued on next page)

**F 7016-1.1**

Joint Status Report - Page 3

**F 7016-1.1**

In re <b>Francisco Reynoso Garcia</b>	CHAPTER: 7 CASE NO.: 2:12-bk-24088 Debtor(s). ADVERSARY NO.:
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**D. PRE-TRIAL CONFERENCE:**

A pre-trial conference is usually conducted between a week to a month before trial, at which time a pre-trial order will be signed by the court. [See Local Bankruptcy Rule 7016-1.] If you believe that a pre-trial conference is not necessary or appropriate in this case, please so note below, stating your reasons:

Plaintiff  
Pre-trial conference ☒ (is) / ☐ (is not) requested.  
Reasons: \_\_\_\_\_

Defendant  
Pre-trial conference ☐ (is) / ☐ (is not) requested.  
Reasons: \_\_\_\_\_

Plaintiff  
Pre-trial conference should be set after:  
(date) nN/A

Defendant  
Pre-trial conference should be set after:  
(date) \_\_\_\_\_

**E. SETTLEMENT:**

- What is the status of settlement efforts?  
Subject to appropriate documentation, the Debtor and UBS have reached an agreement in principle that fully resolves this adversary proceeding. The parties hope to present a stipulation to the Court in advance
- Has this dispute been formally mediated?  
If so, when?  
☐ Yes ☒ No
- Do you want this matter sent to mediation at this time?  

<input type="checkbox"/>	Plaintiff	<input checked="" type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

<input type="checkbox"/>	Defendant	<input checked="" type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

(Continued on next page)

**F 7016-1.1**

Joint Status Report - Page 4

**F 7016-1.1**

In re <b>Francisco Reynoso Garcia</b>	CHAPTER: 7 CASE NO.: 2:12-bk-24088 Debtor(s). ADVERSARY NO.:
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**F. ADDITIONAL COMMENTS/RECOMMENDATIONS RE TRIAL: (Use additional page if necessary.)**

Respectfully submitted,

Dated: October 24, 2012

Borowitz & Clark, LLP

Firm Name

By: Shannon A. Doyle

Name: Shannon A. Doyle 207291

Attorney for: Francisco Reynoso Garcia

Respectfully submitted,

Dated: 10/24/12

Wolfe & Wyman, LLP

Firm Name

By: Andrew A. Bao

Name: Andrew A. Bao 247092

Attorney for: UBS Stab Fund/Bank of New York Mellon

**F 7016-1.1**

Joint Status Report - Page 5

F 7016-1.1

In re <b>Francisco Reynoso Garcia</b>	CHAPTER: 7 CASE NO.: 2:12-bk-24088 Debtor(s). ADVERSARY NO.:
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### PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
**100 N. Barranca Avenue, Suite 250  
West Covina, CA 91791-1600**

A true and correct copy of the foregoing document entitled (*specify*): Joint Status Report will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On \_\_\_\_\_, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On August 28, 2012, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Richard M. Neiter  
U.S. Bankruptcy Judge  
255 E. Temple Street, Ste. 1652  
Los Angeles, CA 90012

Heide Kurtz  
Chapter 7 Trustee  
2515 South Western Ave., Ste. 11  
San Pedro, CA 90732

Francisco Reynoso-Garcia  
37907 Vintage Court  
Palmdale, CA 93550

☒ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

August 29, 2012      Annette Gomez  
Date                      Printed Name

Signature 

F 7016-1.1

Joint Status Report - Page 6

**F 7016-1.1**

In re <b>Francisco Reynoso García</b>	CHAPTER: 7 CASE NO.: 2:12-bk-24088 Debtor(s). ADVERSARY NO.:
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**SERVED BY U.S. MAIL (CERTIFIED MAIL)**

The Bank of New Mellon (FDIC)  
Attn.: Dan Gosselin, (CEO)  
One Wall Street  
New York, New York 10286

**Agent of Service of Process of Bank of America, N.A.**

CT Corporation System (Secretary of State)  
c/o Bank of America  
818 W. 7th Street  
Los Angeles, CA 90017

The Bank of New York Mellon Trust Company N.A.  
(FDIC)  
400 South Hope Street  
Los Angeles, CA 90071

EOS CCA  
c/o National Collegiate Trust  
700 Longwater Drive  
Norwell, MA 02061

MRS Associates, Inc.  
c/o The Bank of New York Mellon Trust N.A.  
19030 Olney Avenue  
Cherry Hill, NJ 08003

National Collegiate Trust  
American Education Services  
1200 North Seventh Street  
Harrisburg, PA 17130-001

ACS  
c/o The Bank of Mellon Trust N.A.  
P.O. Box 7051  
Utica, NY 13504-7051

AES  
c/o National Collegiate Trust  
Loan Servicing  
P.O. Box 2461  
Harrisburg, PA 17105-2461

Bank of America, N.A. (Secretary of State)  
214 N. Tryon Street  
Charlotte, NC 28255

First Marblehead Education Resources  
c/o National Collegiate Trust  
Daniel Meyers (CEO)  
800 Boylston Street, 34<sup>th</sup> Floor  
Boston, MA 02199

Bank of America, N.A. (FDIC)  
214 S. Tryon Street  
Charlotte, NC 28202  
Brian Moynihan (CEO)

**F 7016-1.1**